

## REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

### 5    Amendments to the Claims

Claim 1 has been amended to more clearly indicate that “a data block of image enhancement data associated with the portion of the image” is generated and transmitted “if the portion of the image did not change in a time period,” and “a  
10    data block of image enhancement data associated with the portion of the image” is **not** generated and transmitted if “the portion of the image changed during the time period”.

Claim 13 has been amended to correct a typographical error. Claims 1 and 3-  
15    18 are pending.

### Rejections to the Claims

#### **35 U.S.C. 103**

20        Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,675,387 to Boucher et al. (herein referred to as “Boucher”) in view of United States Patent No. 6,785,334 to van der Schaar et al. (herein referred to as “Schaar”).

Applicant's application describes a means by which a static image is encoded and transmitted at a lower than maximum quality and then the quality of the image or parts thereof is improved over time, if the image is indeed static. (*Application*, page 6, line 32 - page 7, line 1.) Specifically, claim 1 recites:

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generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did not change in a time period, such that the data block improves the quality of the portion of the image, wherein the generating and transmitting are not performed when the portion of the image changed during the time period.

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Neither Boucher nor Schaar, alone or in combination, teach or suggest "generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did not change in a time period, such that the data block improves the quality of the portion of the image, ***wherein the generating and transmitting are not performed when the portion of the image changed during the time period,***" as recited in claim 1.

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Boucher describes methods and systems for preparing multimedia data using pre-rendering and encoding techniques that format the video image data into fat macroblocks. (*Boucher*, Abstract.) Specifically, Boucher describes creating p-frames containing data for selected macroblocks associated with a changing portion of an image, such that only the portion of the image that is

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changing is updated. "The rest of the macroblocks will be sent as motion vectors having a value of zero or as skip blocks." (*Boucher*, col. 6, lines 41-48.)

Schaar describes a method for determining the number of transmission bits of SNR encoded and temporally encoded video data within a frame to  
5 balance image quality and object motion. (*Schaar*, Abstract.) An image to be transmitted is divided into base layer and one or more enhancement layers. The base layer represents a minimum acceptable quality of the image, and is guaranteed to be transmitted. (*Schaar*, column 2, lines 47-49.) One or more of the enhancement layers may also be transmitted depending on available  
10 bandwidth. That is, as more transmission bandwidth is made available, the corresponding quality of the individual images increases. Thus an increased number of FGST layer frames can be transmitted to improve visual quality. (*Schaar*, column 6, lines 26-30.)

The Office states that, "Boucher fails to disclose generating and  
15 transmitting enhancement data." (*Office Action*, page 2.) The Office further states that, "when Schaar transmits the enhancement data, Schaar is transmitting the enhancement data for the portions of the image that did not change (the background) and portions of the image that did change (foreground objects)." (*Office Action*, page 3.) Finally, the Office states that, "the claim  
20 language does not require the generation of the enhancement data to occur only if the portion of the image did not change in the time period." (*Office Action*, page 3.)

As amended, claim 1 recites , "generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did not change in a time period, wherein the generating and transmitting are *not* performed when the portion of the image changed during the time period." Accordingly, as indicated by the comments from the Office Action shown above, claim 1 is allowable over the combination of Boucher and Schaar.

Claims 3-18 are allowable by virtue of their dependence on claim 1.

10 Conclusion

Claims 1 and 3-18 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned agent to discuss the unresolved issue.

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Respectfully Submitted,  
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